

11/13/13

Remailed modification

letter dated 11/6/13 +0

McCain Foods USA, Inc
Attn: Doug Hahn
Highway 54 & 110th Street
Plover, WI 54467



State of Washington
DEPARTMENT OF ECOLOGY
4601 N Monroe Street
Spokane, WA 99205-1295

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

11/6/13
Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

MCCAIN FOODS USA, INC
P.O. BOX 607
OTHELLO, WA 99344

PS Form 3800, August 2006

See Reverse for Instructions

0198 1298 1000 005E 1102

NOV 12 2013

RECEIVED

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

MCCAIN FOODS USA, INC

NIXIE

NOV 12 2013

0011/08/13

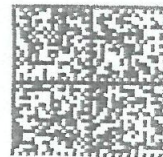
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

99205129599 *2889-09710-08-26

CERTIFIED MAIL™



7011 3500 0001 8621 8610



UNITED STATES POSTAGE
02 1M
0004285354
NOV 06 2013
MAILED FROM ZIP CODE 99205
\$06.31⁰
PRIMEV BONES

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		B. Received by (Printed Name) <u>ADAM CHOSNATOF</u>	C. Date of Delivery <u>11-9-13</u>
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; text-align: center;"> MCCAIN FOODS USA, INC ATTN: DOUG HAHN HIGHWAY 54 & 110TH STREET PLOVER, WI 54467 </div>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		<u>7011 3500 0001 8621 8658</u>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

7011 3500 0001 8621 8658

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	<u>11/13/13</u> Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
MCCAIN FOODS USA, INC
ATTN: DOUG HAHN
HIGHWAY 54 & 110TH STREET
PLOVER, WI 54467

PS Form 3800, August 2006
See Reverse for Instructions



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

November 6, 2013

McCain Foods USA, Inc
P.O. Box 607
Othello, WA 99344

Dear Sirs:

Re: Application for Change/Transfer under Ground Water Certificate 4671-A (ADAM-13-03)

On September 30, 2013, our office received from the Adams County Water Conservancy Board a Record of Decision for the above referenced application for change/transfer. In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information.

The Department has **modified** the decision of the Board and the proposed change/transfer of the water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	700	445	Continuous Manufacturing and Domestic Supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Thirteen (13) Wells							
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
<u>McCain Wells</u>							
Well #1	NW¼	NW¼	34	16 N	29 E	41	Adams
Well #2	NW¼	NW¼	34	16 N	29 E	41	Adams
<u>Proposed</u>							
Well #3	-	SW¼	33	16 N	29 E	41	Adams
Well #4	N½	N½	33	16 N	29 E	41	Adams
<u>Othello Wells</u>							
Well #2	-	NW¼	3	15 N	29 E	36	Adams
Well #3	SE¼	SE¼	34	16 N	29 E	36	Adams
Well #4	NE¼	SE¼	3	15 N	29 E	36	Adams
Well #5	SE¼	SW¼	3	15 N	29 E	36	Adams
Well #6	NE¼	NE¼	4	15 N	29 E	36	Adams
Well #7	SE¼	SE¼	9	15 N	29 E	36	Adams
Well #8	SW¼	SW¼	26	16 N	29 E	36	Adams
<u>Proposed</u>							
Well #9	SE¼	SW¼	36	16 N	29 E	36	Adams
Well #10	-	NW¼	27	16 N	29 E	41	Adams
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
N½SW¼NW¼ and the NW¼NW¼ of Section 34, T. 16 N., R. 29 E.W.M.							



On page 1 and continued on page 2 of the Report of Examination under the heading "**Board's Decision on the Application**" and sub-heading "**AT A POINT LOCATED**" Well # 10 in the NW $\frac{1}{4}$ of Section 27, T. 16 N., R. 29 E.W.M. is stated to be located in WRIA "36". **Ecology modifies this to read; WRIA 41.**

On page 4 and continued on page 5 of the Report of Examination under the heading "**History of water use**" the following paragraphs shall be **deleted** from the section: **Paragraph numbers 8, 9, (including the four bullets under paragraph 9), 10, 11, and 13.**

On page 5 of the Report of Examination under the heading "**History of water use**" paragraph 14 begins with; "The subject water right authorizes 2,500 gpm..." **Ecology modifies this to read; The subject water rights authorize 2,500 gpm...**

On page 6 of the Report of Examination under the heading "**Other water rights appurtenant to the property**" and sub-heading "**Place of use**" a portion of the fourth line reads; "Beginning at the NE $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$" **Ecology modifies this to read; Beginning at the NE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$**

On page 9 of the Report of Examination under the heading "**Other**" the second paragraph shall be **deleted**. No water rights are being sold.

On page 9 of the Report of Examination under the heading "**Other**" the following provisions shall be included:

- Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.
- The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.
- The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.
- This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.
- Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."
- A well log of the completed well(s) shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. These

well log(s) shall be complete and all information concerning the static water level in the completed well(s) in addition to any pump test data shall be submitted as it is obtained.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

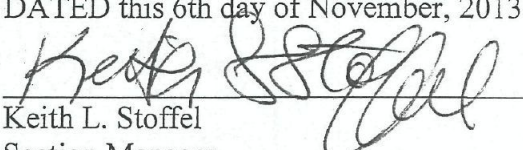
- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State
Legislature Website: <http://www.l.leg.wa.gov/CodeReviser>

DATED this 6th day of November, 2013 at Spokane, Washington.


Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KS:HS:ka
Enclosure: Your Right to Be Heard

By Certified Mail 7011 3500 0001 8621 8610

cc: Adams County Water Conservancy Board